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THE SITUATION IN CENTRAL AMERICA: PROCEDURES FOR THE ESTABLISHMENT OF A FIRM AND LASTING PEACE AND PROGRESS IN FASHIONING A REGION OF PEACE, FREEDOM, DEMOCRACY AND DEVELOPMENT

Letter dated 20 August 1996 from the Secretary-General to the President of the General Assembly

I have the honour to transmit herewith the text of the joint statement by the Peace Commission of the Government of Guatemala and the General Command of the Unidad Revolucionaria Nacional Guatemalteca (URNG) issued on 6 August 1996 in Mexico City (see annex). Based on progress in the peace process achieved since the beginning of this year, the parties have undertaken, inter alia, to conclude their negotiations within this year.

In addition to progress at the negotiating table, as illustrated by the signing of the Agreement on Social and Economic Aspects and the Agrarian Situation on 6 May 1996, it is important to recall that the unilateral cessation of offensive military action declared by URNG on 19 March 1996, followed by a similar unilateral declaration by the Government on 20 March, have been scrupulously observed and that no casualty, military or civilian, has been registered since that date.

In their Framework Agreement of 10 January 1994, the parties requested that the United Nations verify all agreements reached between them. They have since reiterated this request in the five agreements signed to date. Under the authority of the General Assembly, the Comprehensive Agreement on Human Rights and human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples are already being verified by the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA). After the signing of a final peace agreement and the entry into force of all agreements reached between the parties, the United Nations will be called upon to verify implementation of these agreements and to assist the parties in complying with them. As I mentioned in my letter to you of 24 May 1996 (A/50/956), the

comprehensive nature of the agreements will make this a challenging task. In the coming months, I will carry out consultations with Member States with a view to identifying the best way to meet these challenges and I will submit my recommendations accordingly.

I should be grateful if you would convey the contents of this letter to the members of the General Assembly.

(Signed) Boutros BOUTROS-GHALI

ANNEX

[Original: Spanish]

Joint statement by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca

In the framework of a further round of negotiations, the Peace Commission of the Government of Guatemala and the General Command of URNG, with the participation of the United Nations Moderator, agree to issue the following joint statement:

1. In reviewing the progress made in the peace negotiations during the term of the current Government, the Parties express their satisfaction at what has been achieved, particularly the signing of the Agreement on Social and Economic Aspects and the Agrarian Situation. They also emphasize the significance of the unilateral decision by URNG to suspend attacks on military targets and abolish the levying of the war tax, and the Guatemalan Government's suspension of counterinsurgency activities.

2. All of this has been gradually laying the groundwork for a climate of political détente unprecedented in the history of the internal armed conflict, thereby helping to create a favourable climate for the peace talks and for political pluralism.

3. In keeping with the above, the Parties renew their pledge to act in a manner conducive to the climate of public peace which must characterize the final phase of the negotiating process, and they urge the population and the various sectors representing it to participate and to act in a manner consistent with the new situation that has emerged, so that the peace process, which is an irreversible fact, can proceed without hindrance and culminate in the lasting peace that is the common cause of all the peoples that go to make up the Guatemalan nation.

4. Having considered the items outstanding on the negotiating agenda, the Government of Guatemala and the General Command of URNG reiterate their firm determination to deal with those items with the thoroughness and care required by the signing of an agreement on a firm and lasting peace, and they undertake to complete this process by the end of 1996.

5. The Parties appeal to the people of Guatemala to join in recognizing that peace is inevitable, so that progress can be made towards securing a broad consensus on this issue and on what it means in terms of coexistence, progress and a basis for solving the political, economic, social and cultural problems with which Guatemala has had to contend. They also call on the international community to continue to strengthen the monitoring of the peace process.

6. The advent of peace marks the beginning of a new and auspicious chapter in Guatemala's history. It offers an unprecedented opportunity to redirect the country along the course of democratic coexistence based on social justice and framed in law. All of this will also have to translate into harmonious

relations with the community of nations. We Guatemalans must therefore rise to the occasion and spare no effort to turn this opportunity into a path of progress for our country.

Mexico City, 6 August 1996

For the Peace Commission of
the Government of Guatemala

[Signed]

Gustavo PORRAS CASTEJÓN

For the General Command of the
Unidad Revolucionaria Nacional
Guatemalteca

[Signed]

Commander Rolando MORÁN

For the United Nations

[Signed]

Jean ARNAULT
Moderator

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ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

COMPREHENSIVE TEST-BAN TREATY

Letter dated 22 August 1996 from the Permanent Representative of Australia to the United Nations addressed to the President of the General Assembly

The purpose of the present letter is to ask that you make arrangements for the General Assembly to meet in plenary session, beginning 9 September, at 10 a.m., to consider and take action on a comprehensive nuclear-test-ban treaty, pursuant to its resolution 50/65 of 12 December 1995.

In that resolution, the General Assembly declared "its readiness to resume consideration of this item, as necessary, before its fifty-first session in order to endorse the text of a comprehensive nuclear-test-ban treaty". As you know, resolution 50/65 was adopted without a vote.

In Australia's view, the time to resume consideration of the item has now arrived, and we understand this view is shared by other Member States.

To facilitate action on this item, I have today submitted to the Secretary-General the text of a draft treaty and a draft resolution relevant to action on the treaty. I have requested that they be circulated as official documents of the General Assembly at the earliest possible time. The text of the draft treaty is identical to that given in document number CD/1427 of the Conference on Disarmament.

At the meeting of 9 September I would propose to introduce the draft resolution, in the name of its co-sponsors.

I would be grateful if the present letter could be circulated as a document of the General Assembly, under agenda items 8 and 65.

(Signed) Richard BUTLER

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REPORT OF THE SECRETARY-GENERAL ON THE WORK OF THE ORGANIZATION

Letter dated 20 August 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Guinea to the United Nations addressed to the Secretary-General*

I have the honour to transmit to you herewith the text of the Declaration on Jammu and Kashmir, adopted by the Ministerial Meeting of the Contact Group of the Organization of the Islamic Conference (OIC) on Jammu and Kashmir, held at Islamabad on 13 August 1996, and the memorandum presented to the Ministerial Meeting on the same day by the true representatives of the Kashmiri people.

I would appreciate it if you could have the text of the Declaration of the OIC Contact Group on Jammu and Kashmir and the memorandum of the true representatives of the Kashmiri people circulated as a document of the fiftieth session of the General Assembly, under agenda item 10.

(Signed) Elhadj ABOUBACAR DIONE
Chargé d'affaires a.i.

* At the request of the Chargé d'affaires of the Permanent Mission of Guinea, a similar letter, transmitting the texts of the Declaration and the memorandum of true representatives of the Kashmiri people, was previously issued as a document of the Security Council under the symbol S/1996/678.

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ANNEX

Letter dated August 1996 from the Chairman of the Contact Group of the Organization of the Islamic Conference on Jammu and Kashmir

I have the honour to transmit to you herewith the text of the Declaration on Jammu and Kashmir, adopted by the Ministerial Meeting of the OIC Contact Group on Jammu and Kashmir, held at Islamabad on 13 August 1996, and the memorandum presented to the Ministerial Meeting on the same day by the true representatives of the Kashmiri people.

I would appreciate it if you could have the text of the Declaration of the OIC Contact Group on Jammu and Kashmir and the memorandum of the true representatives of the Kashmiri people circulated as a document of the fiftieth session of the General Assembly, under agenda item 10.

Mahawa Bangoura CAMARA
Ambassador
Permanent Representative
Chairman OIC Contact Group on Kashmir

Appendix I

Report of the Ministerial Meeting of the Contact Group of the Organization of the Islamic Conference on Jammu and Kashmir, held at Islamabad, on 13 August 1996

A Ministerial Meeting of the OIC Contact Group on Jammu and Kashmir was held at Islamabad, Islamic Republic of Pakistan on 13 August 1996.

The Meeting was opened by Her Excellency Mohtarma Benazir Bhutto, Prime Minister of the Islamic Republic of Pakistan.

The Prime Minister of the Republic of Turkey, His Excellency Mr. Necmettin Erbakan, also addressed the Meeting.

The Chairman of the Contact Group, His Excellency Mr. Lamine Camara, Minister for Foreign Affairs of the Republic of Guinea, addressed the Meeting.

The Secretary-General of the Organization of the Islamic Conference, His Excellency Dr. Hamid Algabid, addressed the Meeting.

The Foreign Ministers and representatives of the Niger, Pakistan, Saudi Arabia and Turkey attended the Meeting.

The true representatives of the Kashmiri people who were invited to the Meeting, addressed the Contact Group and handed over a memorandum on the "Jammu and Kashmir dispute".

The Contact Group adopted a Declaration on the Jammu and Kashmir dispute which is attached hereto.

Attachment

Declaration on Jammu and Kashmir adopted by the Ministerial Meeting of the OIC Contact Group on Jammu and Kashmir, Islamabad, 13 August 1996

The Ministerial Meeting of the OIC Contact Group on Jammu and Kashmir, held at Islamabad on 13 August 1996,

Reaffirming all OIC Summit and Ministerial resolutions on the Jammu and Kashmir dispute as well as the Special Declaration adopted by the seventh Islamic Summit at Casablanca,

Having reviewed the deteriorating situation in occupied Kashmir and its implications for regional peace and security,

Concerned about the staging of fraudulent elections for the Lok Sabha in occupied Kashmir, an outrage that was exposed and denounced by international media and human rights organizations,

Deeply concerned about the announcement by the Indian Government of its intention to hold State Assembly elections in occupied Kashmir in September 1996 and noting that the All Parties Hurrieyet Conference has in its capacity as the true representatives of the Kashmiri people rejected the holding of sham elections and the imposition under duress of the so-called political process in Kashmir,

Deeply alarmed by the subsequent sharp intensification of Indian repression of the Kashmiri people, especially the induction of additional troops, the use of renegades and mercenaries, armed, financed and trained by India to terrorize and intimidate the Kashmiri people and their true representatives,

Taking note of the strong condemnation by Pakistan and the true representatives of the Kashmiri people, including the leadership of the All Parties Hurriyat Conference, of the deplorable act of hostage-taking by "Al Faran",

Noting the memorandum submitted by the true representatives of Jammu and Kashmir, which, inter alia, asserts that the people of Jammu and Kashmir will not accept the imposition of a fraudulent political process in Kashmir and that the so-called political process or elections could not be a substitute for a plebiscite, as affirmed in Security Council resolutions 91 (1951) and 122 (1957),

Convinced that the holding of fraudulent elections would further exacerbate the sufferings of the Kashmiri people and would seriously detract from efforts to seek a just and peaceful solution to the Jammu and Kashmir dispute,

Welcoming the offer of the Prime Minister of Pakistan to have a substantive and meaningful dialogue with India with a view to finding a peaceful solution to the Jammu and Kashmir dispute,

Regretting that the Government of India has vitiated the atmosphere for the commencement of a meaningful dialogue with Pakistan for seeking a peaceful solution to the Kashmir dispute,

Recalling the relevant United Nations resolutions on Jammu and Kashmir which remain unimplemented,

Reaffirming its solidarity with the suffering people of Kashmir,

1. Reaffirms the right of the people of Jammu and Kashmir to self-determination in accordance with the relevant United Nations resolutions;

2. Calls for a peaceful settlement of the Jammu and Kashmir issue in accordance with the relevant United Nations resolutions and as agreed upon in the Simla Agreement;

3. Rejects India's efforts to maintain its illegal occupation of Kashmir through the holding of sham elections and by initiating a fraudulent political process;

4. Reaffirms that any political process/elections held under foreign occupation cannot be a substitute for the exercise of the right of self-determination of the people of Kashmir as is provided in the relevant Security Council resolutions;

5. Condemns the continued massive violations of human rights of the Kashmiri people and calls for respect of human rights;

6. Appeals for the immediate and safe release of all the hostages by the "Al Faran";

7. Calls upon the Government of India to respect the human rights of the Kashmiri people, rescind forthwith all repressive measures and endeavour to improve the situation in Kashmir;

8. Endorses the ongoing efforts of the Government of Pakistan to seek a peaceful solution to the Kashmir issue through all possible means, including substantive bilateral talks with India;

9. Decides that the Contact Group will meet at the United Nations in September 1996 to review the developments in Kashmir and to make recommendations to the meeting of the OIC Foreign Ministers;

10. Recommends that the OIC annual coordination meeting of Foreign Ministers in New York review the situation in Jammu and Kashmir with a view to adopting further appropriate measures;

11. Requests the Chairman to transmit this Declaration to the President of the Security Council and the United Nations Secretary-General for circulation as an official document of the Security Council, under the item "Indo-Pakistan question", and affirms that this item be retained on the agenda of the Security

Council and calls for swift implementation of United Nations resolutions on Jammu and Kashmir;

12. Requests the Secretary-General to bring the contents of the Declaration to the attention of the Government of India, all OIC member States, and to take other appropriate steps for its widest possible dissemination.

Appendix II

Memorandum presented by the true representatives of the Kashmiri people to the Ministerial Meeting of the OIC Contact Group on Jammu and Kashmir, held at Islamabad on 13 August 1996

The Kashmir representatives,

Recalling the relevant resolutions of the United Nations Security Council upholding the right to self-determination of the people of Jammu and Kashmir,

Condemn the serious crimes and inhuman atrocities of genocide, massacres, extrajudicial killings, reprisal killings, arbitrary detention, torture, use of rape as an instrument of suppression, burning of houses, villages and townships, and destruction and desecration of holy places, committed by the Indian Government, through its military and paramilitary personnel, renegades and mercenaries, in Jammu and Kashmir during the last seven years;

Affirm that, despite the concentration of nearly 700,000 Indian troops in Jammu and Kashmir, massive repression of unarmed civilians, including women and children, and destruction of the economic means for productive employment, the Indian Government has failed to crush the will of the people of Jammu and Kashmir;

Affirm their rejection of the efforts by India to institute the so-called "political process" in Kashmir the sole purpose of which is to deny the Kashmiri people their right of self-determination;

Recall that the Security Council has clearly enunciated that, on the basis of the agreement concluded between India and Pakistan, the final disposition of the state of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations;

Also recall that the United Nations Security Council has declared that the creation of a Constituent Assembly or the holding of any elections in Jammu and Kashmir by the Indian Government would not be a substitute for a fair and impartial plebiscite mandated by the Security Council to determine the will of the people of Kashmir;

Declare that any elections organized by the Indian Government cannot be a substitute for the plebiscite pledged by the United Nations to the people of Jammu and Kashmir;

Strongly oppose the farce of fraudulent elections being imposed by the Indian Government on the people of Jammu and Kashmir;

Express deep concern at the induction of additional troops and deployment of an elaborate apparatus by India to terrorize and coerce the people of Jammu and Kashmir into participating in the Indian-sponsored elections;

Express alarm at the intensified campaign of repression, intimidation and persecution launched against the leaders of the All Parties Hurriyet Conference to quell their opposition to the fraudulent elections;

Condemn the use by India of renegades and mercenaries to harass, persecute and intimidate the people of Kashmir;

Endorse and support the efforts of the Government of Pakistan to find a peaceful solution to the Kashmir issue by all available means;

Resolve that:

(a) The people of Indian-held Kashmir will not participate in any elections held under Indian occupation;

(b) The people of Jammu and Kashmir will continue the struggle for their freedom and the realization of their right to self-determination;

(c) The aspirations of the people of Jammu and Kashmir constitute the sole basis of the final disposition of the Jammu and Kashmir dispute;

Call on:

(a) The OIC Contact Group on Kashmir to impress upon the Indian Government to desist from exacerbating tension in Jammu and Kashmir and between India and Pakistan by staging an electoral farce;

(b) The OIC Contact Group on Kashmir to remind India that the proposed elections in Jammu and Kashmir are in contravention of Security Council resolutions 91 (1951) and 122 (1957), which have clearly affirmed that any action that (the Indian Government) may have taken, or might attempt to take to determine the future shape and affiliation (of Jammu and Kashmir) would not constitute a disposition of the State in terms of these resolutions;

(c) The Organization of the Islamic Conference to renew to the Government of India its offer of sending its fact-finding and good offices missions to Jammu and Kashmir;

(d) The United Nations to hold a plebiscite in Jammu and Kashmir, without further delay, in accordance with Security Council resolutions;

(e) The United Nations Secretary-General to initiate a process of mediation to pave the way for the holding of a plebiscite in Jammu and Kashmir as laid down by the Security Council;

(f) The Security Council to ask India to withdraw its army of occupation from Jammu and Kashmir;

(g) The international community to put pressure on India to give full access to international human rights organizations to visit Jammu and Kashmir;

(h) The Government of Pakistan to continue its efforts for a peaceful solution of the Kashmir issue keeping in view the sentiments of the Kashmiri people, through all possible means, including a substantive and meaningful dialogue with India;

Appeal to all peace-loving people and nations of the world to help and support the people of Jammu and Kashmir in their struggle for the realization of their right to self-determination promised to them under Security Council resolutions.

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ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

COMPREHENSIVE TEST-BAN TREATY

Letter dated 23 August 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Japan to the United Nations addressed to the President of the General Assembly

I have the honour to express my country's strong support for the view expressed by Ambassador Richard Butler of Australia in his letter to you dated 22 August 1996 on resuming consideration of a comprehensive nuclear-test-ban treaty in the General Assembly (A/50/1024).

Based on this view, I join Ambassador Butler in requesting you to make arrangements for the General Assembly to meet in plenary session, beginning 9 September, at 10 a.m., to consider and take action on a comprehensive nuclear-test-ban treaty, pursuant to its resolution 50/65 of 12 December 1995.

I should be grateful if you would have the text of the present letter circulated as a document of the fiftieth session of the General Assembly under agenda items 8 and 65.

(Signed) Masaki KONISHI
Chargé d'affaires a.i.
Deputy Permanent Representative of Japan
to the United Nations

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